

REMARKS

In view of the above amendments and the following remarks, reconsideration of the rejections contained in the Office Action of September 24, 2007 is respectfully requested.

By this Amendment, claims 1-6 have been cancelled, and new claims 7 and 8 have been added and are currently pending in the application. No new matter has been added by these amendments.

The entire specification has been reviewed and revised. Due to the number of revisions, the amendments to the specification have been incorporated into the attached substitute specification. For the Examiner's benefit, a marked-up copy of the specification indicating the changes made thereto is also enclosed. No new matter has been added by the revisions. Entry of the substitute specification is thus respectfully requested.

On page 2 of the Office Action, the Examiner rejected claim 1 under 35 U.S.C. § 112, second paragraph, as being indefinite. In particular, the Examiner asserted that the scope of claim 1 cannot be determined because the values of x and y are not defined. However, as indicated above, original claims 1-6 have been cancelled and replaced with new claims 7 and 8. In this regard, it is noted that independent claim 7 recites that x has a value such that $0.01 \leq x \leq 0.20$, and y has a value such that $0 \leq y \leq 0.30$. Therefore, it is respectfully submitted that the Examiner's rejection under § 112 is not applicable to new claim 7 because claim 7 clearly defines the values of x and y .

On pages 2-3 of the Office Action, the Examiner rejected claims 1-3 under 35 U.S.C. § 102(a) as being anticipated by Kawamura et al. (JP 2003-336055). However, it is respectfully submitted that Kawamura does not constitute prior art under 35 U.S.C. § 102(a). In this regard, it is noted that Kawamura has a publication date of November 28, 2003. It is also noted, however, that the present application claims the priority date of Japanese Patent Application 2003-042864 filed on February 20, 2003, and that the Examiner has acknowledged receipt of the certified copies of the priority document.

Pursuant to 37 CFR 1.55(a)(4), a translation of the original application and a statement that the translation of the certified copy is accurate have been submitted along with this response in order to perfect the claim of priority. Therefore, it is respectfully submitted that the present

application is entitled to the benefit of the filing date of February 20, 2003, and that Kawamura therefore does not constitute prior art. Accordingly, it is respectfully submitted that the rejection based on the Kawamura reference is not applicable to the present application.

On pages 3-4 of the Office Action, the Examiner rejected claims 1-3 under 35 U.S.C. § 103(a) as being unpatentable over Raukas et al. (US 7,014,792). For the reasons discussed below, it is respectfully submitted that Raukas does not constitute prior art under 35 U.S.C. § 102.

The present application has an effective U.S. filing date of February 18, 2004, and Raukas was patented on March 21, 2006. Therefore, Raukas does not constitute prior art under 35 U.S.C. § 102(a) or (b) as it did not become "patented or described in a printed publication" until after the effective U.S. filing date of the present application. It is noted that Raukas has a filing date of September 20, 2003, which potentially constitutes prior art under § 102(e)(2) as a patent with a filing date prior to February 18, 2004. However, as noted above, the present application claims the priority date of Japanese Patent Application 2003-042864 filed on February 20, 2003, and the Examiner has acknowledged receipt of the certified copies of the priority document.

Pursuant to 37 CFR 1.55(a)(4), a translation of the original application and a statement that the translation of the certified copy is accurate have been submitted along with this response in order to perfect the claim of priority. Therefore, it is respectfully submitted that the present application is entitled to the benefit of the filing date of February 20, 2003, and that Raukas therefore does not constitute prior art. Accordingly, it is respectfully submitted that the rejection based on the Raukas reference is not applicable to the present application.

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is clearly in condition for allowance. An early notice to that effect is respectfully solicited.

If, after reviewing this Amendment, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, the Examiner is respectfully requested to contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

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